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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,539	03/30/2004	Theodore E. Liebman	E0359-4	8098
25397	7590	03/22/2006		
DUANE, MORRIS, LLP 3200 SOUTHWEST FREEWAY SUITE 3150 HOUSTON, TX 77027			EXAMINER SILBERMANN, JOANNE	
			ART UNIT	PAPER NUMBER
			3611	

DATE MAILED: 03/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/813,539	<b>Applicant(s)</b> LIEBMAN ET AL.	
	<b>Examiner</b> Joanne Silbermann	<b>Art Unit</b> 3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/30/2004</u> | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. In claim 1 it is not clear if the graphic is intended to be part of the claimed invention. The preamble states that the display device is "for a graphic" but the body of the claim states recites a cam assembly "moving the graphic." For purposes of examination, it is assumed that the graphic is part of the invention. The preamble must be amended to reflect this.
4. In claim 2 "said cam" does not have proper antecedent basis. Claim 1 only recites "a cam assembly" not a cam.
5. In claims 3 and 4 it is not clear as to how the cam moves on flatter and rounder paths, since the cam appears to only rotate. Additionally, the terms "flatter" and "more rounded" are considered indefinite, since they are only relative terms and it is not clear what they are being compared to.
6. In claim 9 it is not clear if "a closed loop" is the same loop as the one recited in claim 2, from which claim 9 depends. If so, it is redundant. If not, a different term should be used to avoid confusion.

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7. In claim 12, it cannot be understood at this time what the "second extending member" is.

8. In claims 13 and 14 it is not clear what the "biasing device" and the "cantilevered finger" are. For purposes of examination it is assumed that these are the same as the biased fingers. Correction is required.

9. The remaining claims are rejected as depending from rejected claims.

### ***Claim Objections***

10. Claim 18 is objected to because of the following informalities: this claim does not end in a period. Appropriate correction is required.

### ***Specification***

11. The disclosure is objected to because of the following informalities: the Specification does not provide basis for "a member" as recited in claim 6 or "a second extending member" as recited in claim 12 or "a base" as in claim 20.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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13. Claims 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Zennedjian, US #4,750,282.

14. Zennedjian discloses a housing for a display including lens 38 mounted in an opening (Figure 11) and biasing device (Figure 8 having a plurality of cantilevered fingers 32 pressing against graphic 36. The fingers are mounted to the housing through base 26.

15. Claims 1, 2, 6 and 7, as far as definite, are rejected under 35 U.S.C. 102(b) as being anticipated by Bar-Yona, US #6,226,906.

16. Bar-Yona '906 teaches a display device for a graphic movably mounted in a housing comprising housing 4 having lens 8 in an opening and cam assembly 18 moving the graphic in an oscillating pattern. The cam assembly is configured to minimize dwell time, since it moves from one image to another. The cam surface defines a closed loop (Figures 4 and 5) having a groove with inner and outer walls.

***Claim Rejections - 35 USC § 103***

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bar-Yona, US #6,226,906 in view of Stillabower, US #5,119,686.

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19. Bar-Yona '906 does not specifically teach the cam movements of the instant claims, however customizing the movement of an object by altering the shape of a cam is old and well known in the art. Stillabower teaches customizing the movement of an object, including accelerating and decelerating to create a constant velocity (see Summary). As best as the instant claims can be understood, it would have been obvious to a person having ordinary skill in the art to utilize a specific cam assembly to create a desired movement in the display of Bar-Yona '906, as discussed by Stillabower.

20. Claims 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bar-Yona '906 in view of Zennedjian.

21. It would have been obvious to apply the biasing fingers of Zennedjian to the display of Bar-Yona '906 so as to keep the display in place, as is taught by Zennedjian.

22. Bar-Yona '906 also teaches guides 30 and 32 for guiding the movement of the display (column 3 lines 45-46).

23. Claims 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bar-Yona '906 in view of Stillabower and further in view of Bar-Yona US #6,219,948.

24. Bar-Yona '906 and Sillabower do not teach a bar and extending members for Driving the display, however this is well known in the art. Bar-Yona'948 teaches a bar (an extension of plate 18, Figures 10 and 11) having extending member 68 therein for driving the display. It would have been obvious to one of ordinary skill in the art, as best as the claims can be understood, to utilize such an arrangement to move the display as an alternative to placing the edge of the display in the groove.

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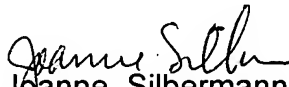
**Conclusion**

25. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US patents 6748684 and 6880275 are cited as of interest.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joanne Silbermann whose telephone number is 571-272-6653. The examiner can normally be reached on M-F 5:30 - 2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Joanne Silbermann  
Primary Examiner  
Art Unit 3611

js  
18 March 2006